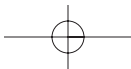
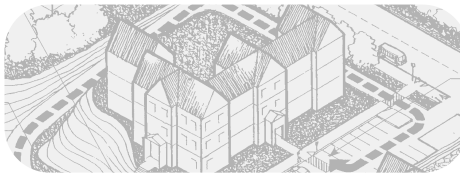


A BASIC GUIDE TO Fair Housing Accessibility



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A BASIC GUIDE TO Fair Housing Accessibility

*Everything Architects and Builders Need to Know
About the Fair Housing Act Accessibility Guidelines*

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Introduction

WHY SHOULD YOU READ THIS BOOK?

In a 1988 amendment to the Fair Housing Act (FHA), Congress extended protection against discrimination in housing and housing-related transactions to people with disabilities and to families with children. As a result of the 1988 amendment, failure to design and construct covered multifamily housing so that it is accessible to people with disabilities is discriminatory housing practice and a violation of federal law. A complaint for discriminatory housing practice can be filed against anyone involved with the design and construction of a covered project. If you are a designer, architect, builder, developer, contractor, or subcontractor in the multifamily housing industry, you should protect yourself against charges of discriminatory housing practice.

The federal government is stepping up its enforcement of the Fair Housing Act. In an effort to ensure that multifamily housing projects are in compliance with the design and construction requirements of the FHA, and in an effort to increase the availability of accessible housing, disability rights advocacy groups are becoming more active in identifying multifamily housing projects that allegedly are in violation of the FHA. In some cases, the architects and builders of such projects have been required to pay compensation to the litigants, or have been required to pay for alterations to the project to bring them into compliance. Other architects and builders with decisions against them have been required to attend courses, at their expense, which cover the accessibility requirements of the FHA. Our firm, Steven Winter Associates, Inc. (SWA), has presented such courses. SWA has also been retained by the U.S. Department of Justice (DOJ) and the Department of Housing and Urban Development (HUD) to provide expert testimony in legal action against architects and builders of multifamily housing that allegedly does not meet the FHA's accessibility requirements. We are aware of the

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areas where many architects and builders are most vulnerable in the design and construction of multifamily housing that should comply with the Act. We have designed this book to clearly communicate the facts you need to know to comply with the accessibility requirements of the FHA, with particular attention on those areas where many architects and builders go awry of the law.

JUST THE FACTS

This book is structured according to the accessibility requirements of the FHA. Part 1 focuses on the requirements and how to satisfy them. Part 2 provides a checklist that you can use in the design and construction of multifamily housing, to help make sure that your project is in compliance.

Part 1 tells you exactly what you need to know about conforming with the seven design and construction requirements of the FHA in a simple and clear manner. This section elaborates on technical guidance for FHA compliance, but it does not contain any “recommendations” or “good ideas” that may be beyond the scope of the accessibility requirements of the FHA. This book zeros in on what is required of you as a design and construction professional. If you want to go beyond the requirements of the act, you should develop your own creative solutions for compliance. This book communicates to you only what is required by law.

Part 1 also addresses the subtle differences between several terms defined by the Guidelines, or the regulations that implement the 1988 amendments to the FHA, and the same terms defined by model building codes. We do this because misapplying the commonly understood model-code definition of a term, which is actually defined differently by the Guidelines or the regulations, may be misleading. We also understand that it is a common mistake for those familiar with building codes to assume that other codes or laws define the same terms in the same way. It is extremely important to communicate to you the subtle differences in those definitions, to help you to avoid potential violations of the FHA.

The Checklist

Part 2 includes a comprehensive checklist to be used by multifamily housing industry players to help identify covered multifamily buildings and the dwelling units in them that must comply with the design and construction requirements of the FHA. Once covered projects and units have been identified, the checklist is organized in question format and incorporates the scoping and technical provisions of the Guidelines, including the technical requirements of its referenced standard—ANSI A117.1—beginning with the Guidelines’ “Requirement 1: Accessible Building Entrance on an Accessible Route,” and ending with “Requirement 7: Usable Kitchens and Bathrooms.”

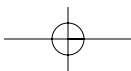
The checklist is a modified version of one that was developed from a survey of nearly 400 multifamily housing projects undertaken by SWA for HUD to study

the rates of compliance with the FHA. The original survey was developed by SWA, working closely with HUD. The checklist in this book is a useful tool for architects to use during the preplanning, schematic design, and design development phases of a project, through the production of construction documents to help ensure that covered projects incorporate the accessibility requirements of the FHA. Builders can use the checklist to help ensure that the building construction is also FHA-compliant. The same checklist used by seasoned industry professionals can also benefit students, by helping them become aware of the needs of people with disabilities and of the importance of barrier removal in the built environment to help increase housing opportunities for people with disabilities.

While this book should answer many of your questions about complying with the Fair Housing Act, we realize that every scenario cannot be covered. For those that are not, readers should contact the authors of this book for further professional guidance. They can be reached at Steven Winter Associates, Inc., 50 Washington Street, Norwalk, CT, 06854; through the SWA website at www.swinter.com; or via email to pstratton@swinter.com or mcrosbie@swinter.com.

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